

## SUBCHAPTER A—GENERAL PROVISIONS

### PART 1 [RESERVED]

### PART 2—CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

#### Subpart A—Introduction

Sec.

- 2.1 Statutory authority for confidentiality of drug abuse patient records.
- 2.2 Statutory authority for confidentiality of alcohol abuse patient records.
- 2.3 Purpose and effect.
- 2.4 Criminal penalty for violation.
- 2.5 Reports of violations.

#### Subpart B—General Provisions

- 2.11 Definitions.
- 2.12 Applicability.
- 2.13 Confidentiality restrictions.
- 2.14 Minor patients.
- 2.15 Incompetent and deceased patients.
- 2.16 Security for written records.
- 2.17 Undercover agents and informants.
- 2.18 Restrictions on the use of identification cards.
- 2.19 Disposition of records by discontinued programs.
- 2.20 Relationship to State laws.
- 2.21 Relationship to Federal statutes protecting research subjects against compulsory disclosure of their identity.
- 2.22 Notice to patients of Federal confidentiality requirements.
- 2.23 Patient access and restrictions on use.

#### Subpart C—Disclosures With Patient's Consent

- 2.31 Form of written consent.
- 2.32 Prohibition on redisclosure.
- 2.33 Disclosures permitted with written consent.
- 2.34 Disclosures to prevent multiple enrollments in detoxification and maintenance treatment programs.
- 2.35 Disclosures to elements of the criminal justice system which have referred patients.

#### Subpart D—Disclosures Without Patient Consent

- 2.51 Medical emergencies.
- 2.52 Research activities.
- 2.53 Audit and evaluation activities.

#### Subpart E—Court Orders Authorizing Disclosure and Use

- 2.61 Legal effect of order.
- 2.62 Order not applicable to records disclosed without consent to researchers, auditors and evaluators.
- 2.63 Confidential communications.
- 2.64 Procedures and criteria for orders authorizing disclosures for noncriminal purposes.
- 2.65 Procedures and criteria for orders authorizing disclosure and use of records to criminally investigate or prosecute patients.
- 2.66 Procedures and criteria for orders authorizing disclosure and use of records to investigate or prosecute a program or the person holding the records.
- 2.67 Orders authorizing the use of undercover agents and informants to criminally investigate employees or agents of a program.

AUTHORITY: Sec. 408 of Pub. L. 92-255, 86 Stat. 79, as amended by sec. 303 (a), (b) of Pub. L. 93-282, 83 Stat. 137, 138; sec. 4(c)(5)(A) of Pub. L. 94-237, 90 Stat. 244; sec. 111(c)(3) of Pub. L. 94-581, 90 Stat. 2852; sec. 509 of Pub. L. 96-88, 93 Stat. 695; sec. 973(d) of Pub. L. 97-35, 95 Stat. 598; and transferred to sec. 527 of the Public Health Service Act by sec. 2(b)(16)(B) of Pub. L. 98-24, 97 Stat. 182 and as amended by sec. 106 of Pub. L. 99-401, 100 Stat. 907 (42 U.S.C. 290ee-3) and sec. 333 of Pub. L. 91-616, 84 Stat. 1853, as amended by sec. 122(a) of Pub. L. 93-282, 88 Stat. 131; and sec. 111(c)(4) of Pub. L. 94-581, 90 Stat. 2852 and transferred to sec. 523 of the Public Health Service Act by sec. 2(b)(13) of Pub. L. 98-24, 97 Stat. 181 and as amended by sec. 106 of Pub. L. 99-401, 100 Stat. 907 (42 U.S.C. 290dd-3), as amended by sec. 131 of Pub. L. 102-321, 106 Stat. 368, (42 U.S.C. 290dd-2).

SOURCE: 52 FR 21809, June 9, 1987, unless otherwise noted.

#### Subpart A—Introduction

##### § 2.1 Statutory authority for confidentiality of drug abuse patient records.

The restrictions of these regulations upon the disclosure and use of drug abuse patient records were initially authorized by section 408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1175). That section as amended was transferred by Pub. L. 98-24 to section 527 of the Public Health Service Act which is codified